UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 96-3645
Non-Argument Calendar

District Court No. 82-122-civ-orl-18

Richard A. Bolt,

Plaintiff-Appellant

Richard A. Bolt, MD P.A.,

versus

Halifax Hospital Medical Center; Daytona Community Hospital; Ormond Beach Memorial Hospital; Shed Roberson,MD; Alvin Smith, MD; Richard Boye, MD; Ralph Marino, MD

Defendants-Appellees

Appeal from the United States District Court for the Middle District of Florida

Before Tjoflat, Andersen and Black, Circuit Judges

J U D G M E N T

This cause came to be heard on the transcript of the record from the United States District Court for the Middle District of Florida, and was taken under submission by the Court upon the record and briefs on file, pursuant to Eleventh Circuit Rule 34-3;

UPON CONSIDERATION WHEREOF, it is now hereby ordered and adjudged by this Court

that the judgment of the said District Court in this cause be and the same is hereby AFFIRMED;

IT IS FURTHER ORDERED THAT plaintiff-appellant pay to defendants-appellees, the costs on appeal to be taxed by the Clerk of this Court.

Entered: October 27, 1997
For the Court: Thomas K. Kahn, Clerk
By: "s/ Matt Davidson"
deputy clerk

ISSUED AS MANDATE :
May 26 1998

[do not publish]

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D.C. Docket No. 82-122-Civ-Orl -18

Richard A. Bolt,

Plaintiff-Appellant

Richard A. Bolt MD P.A.

versus

Halifax Hospital Medical Center; Daytona community Hospital; Ormond Beach Memorial Hospital ; Shed Roberson MD; Alvin Smith,MD; Humana, Inc.; Richard Boye, MD; Ralph Marino, MD

Defendants-Appellees

Appeal from the United States District Court for the Middle District of Florida

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(October 27, 1997)

Before Tjoflat, Anderson, and Black, Circuit Judges

PER CURIAM:

This is an appeal from an order of the district court denying appellants' motion for relief under Fed. R. Civ. P. 60 (b). We review the district court's action under the abuse of discretion standard of review. We find no such abuse in this case and therefore affirm.[1]

AFFIRMED.

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[1] Appellants contend that a recent decision of the Supreme Court, Amchem Prods., Inc. v. Windsor, ___ U.S. ___, 117 S.Ct. 2231 (1997), requires us to set aside the district court's order and remand the case for further proceedings. We have considered the Amchem decision and conclude that it is inapposite.

IN THE UNITED STATES COURT OF
APPEALS FOR THE ELEVENTTH CIRCUIT

No. 96-3645

FILED U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
MAY 12, 1998
THOMAS K. KAHN
CLERK

Richard A. Bolt,

Plaintiff-Appellant

Richard A. Bolt, MD P.A.

versus

Halifax Hospital Medical Center; Daytona Community Hospital; Ormond Beach Memorial Hospital; Shed Roberson MD; Alvin Smith MD; Richard Boye MD; Ralph Marino, MD,

Defendants-Appellees

On Appeal from the United States Court for the Middle District of Florida

ON PETITION for REHEARING and SUGGESTION of REHEARING EN BANC

Before: Tjoflat,Anderson and Black, Circuit Judges

PER CURIAM:

The Petition for REHEARING are DENIED and no member of this panel nor other judge in regular active service on the Court having requested that the Court be polled on rehearing en banc (Rule 35,Federal Rules of Appellate Procedure; Eleventh Circuit Rule 35-5) the Suggestions of Rehearing En Banc are DENIED